

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
HELENA DIVISION**

ALBERT HERNANDEZ
ADC #65214

PLAINTIFF

V.

2:05CV00137 JLH/JTR

JOHN DOES, CMS Healthcare Employees

DEFENDANTS

ORDER

Plaintiff, who is currently incarcerated at the East Arkansas Regional Unit (“EARU”) of the Arkansas Department of Correction, has filed a Motion for An Extension of Time to file his Amended Application to Proceed *In Forma Pauperis*, along with a prisoner calculation sheet. *See* docket entry #5. For the reasons set forth herein, the Motion will be granted.

On July 8, 2005, the Court issued an Order giving Plaintiff thirty days to either: (1) pay the \$250 filing fee in full; or (2) file a properly completed Amended Application to Proceed *In Forma Pauperis*, along with a prisoner trust fund calculation sheet. *See* docket entry #4.

On July 28, 2005, Plaintiff filed the current Motion, in which he alleges that his legal mail cannot be sent out of the EARU without a sergeant’s signature, and that none of the EARU sergeants will authorize the delivery of his legal mail. *See* docket entry #5. However, the Court received Plaintiff’s Motion for An Extension of Time and Plaintiff’s Amended Complaint approximately five days after they were signed by Plaintiff. *See* docket entries #4 and #5. Additionally, the envelope containing Plaintiff’s Amended Complaint appears to have been signed/authorized by Sergeant P.M.

Blunt.¹ See docket entry #3. Thus, contrary to Plaintiff's fears, it appears that the Court is, in fact, promptly receiving his legal correspondence.

In his Motion for An Extension of Time, Plaintiff further contends that unspecified ADC officials are refusing to complete the prisoner calculation sheet that must accompany his Amended *In Forma Pauperis Application*. In an abundance of caution, the Court will provide the EARU Warden with a copy of this Order and ask that he ensure that Plaintiff's prisoner calculation sheet is properly completed by the appropriate EARU officials and returned to this Court within thirty days.

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion for an Extension of Time to file his Amended Application to Proceed *In Forma Pauperis* (docket entry #5) is GRANTED.
2. Plaintiff will have any additional thirty days from the entry of this Order to either:
(a) pay the \$250 filing fee in full; or (b) file a properly completed Amended Application to Proceed *In Forma Pauperis*, along with a prisoner trust fund calculation sheet
3. The Clerk is directed to send a copy of this Order to the Warden of the EARU at P.O. Box 190, Brickeys, Arkansas 72320-0180.
4. The Warden of the EARU is directed to ensure that Plaintiff's prisoner calculation sheet is properly completed by the appropriate EARU officials and returned to the Court within thirty days of the entry of this Order.

Dated this 16th day of August, 2005.


UNITED STATES MAGISTRATE JUDGE

¹ The envelope containing Plaintiff's Motion for an Extension of Time was not maintained in the file.